

# EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JOSHUA CHATWIN, )  
 ) CASE NO.  
 PLAINTIFF, ) 2:14-cv-00375  
 )  
 Vs. )  
 )  
 DRAPER CITY; OFFICER J. PATTERSON, )  
 IN HIS INDIVIDUAL AND OFFICIAL )  
 CAPACITY; OFFICER DAVID HARRIS, IN )  
 HIS INDIVIDUAL AND OFFICIAL )  
 CAPACITY; OFFICER HEATHER BAUGH, IN )  
 HER INDIVIDUAL AND OFFICIAL )  
 CAPACITY; AND JOHN DOES 1-10. )  
 )  
 DEFENDANTS. )  
 \_\_\_\_\_ )

Deposition of Joshua Chatwin

Taken: November 18, 2015

Reported by: Linda J. Smurthwaite, RDR

***Intermountain Court Reporters***  
***Murray, UT 84107***  
***(801) 263-1396***



1 stolen property.

2 Q. Okay. So even though a probation violation  
3 is a separate incident, you didn't feel to list that?

4 A. I didn't think that it was necessary, no.

5 Q. Okay. Even though you spent six months in  
6 jail because of that probation violation?

7 A. Yes, sir.

8 Q. Okay. I hand you what we'll mark as Exhibit  
9 Number 15.

10 (Exhibit No. 15 was marked for identification.)

11 BY MR. HAMILTON:

12 Q. If you look at this exhibit, Mr. Chatwin,  
13 you'll notice the top that the incident occurred on  
14 July 3, 2012, do you see that?

15 A. Yes, sir.

16 Q. And down in the narrative, officer -- the  
17 officer listed that on July 3rd, 2012, that he was  
18 dispatched to the address of 248 East 13800 South, do you  
19 see that?

20 A. Yes, sir.

21 Q. 'For suspicious person'. Do you see that?

22 A. Yes, sir.

23 Q. It says, 'an individual called to report a  
24 male sleeping behind a dumpster located at this address'?

25 A. Yes, sir.

1 Q. It says in the narrative that the officer  
2 'arrived in the area and met with Joshua Chatwin, who  
3 told me he had just broke up with his live-in girlfriend  
4 and had no place to go.' Do you see that?

5 A. Yes, sir.

6 Q. It continues on and says that, 'I noticed  
7 Josh had a beer in front of him and asked if he had been  
8 drinking. Josh informed me that he had four beers. I  
9 told Josh he was able to stay at this location, but he  
10 would need to stop drinking.' Do you see that?

11 A. Yes, sir.

12 Q. So here, you were publicly intoxicated,  
13 correct?

14 A. Yes, sir.

15 Q. The officer told you that you could remain at  
16 the location, but had to stop drinking, correct?

17 A. Yes, sir.

18 Q. He didn't arrest you, did he?

19 A. No, sir.

20 Q. It continues on and says, 'Josh informed me  
21 -- or Joshua told me he would. I asked Joshua if there  
22 was a place that I could take them to sleep tonight, and  
23 get his thoughts together, and if he chose to leave, that  
24 would be his choice.' Do you see that?

25 A. Yes, sir.

1 Q. And you told the officer that you didn't have  
2 a place to go, do you see that?

3 A. Yes, sir.

4 Q. And then the officer suggested you go to  
5 detox, do you see that?

6 A. Yes, sir.

7 Q. And then you informed him that your parents  
8 were close, but you did not want to go there?

9 A. Correct.

10 Q. Why did you not want to go there?

11 A. Because I really wasn't welcome at my  
12 parents' home because of my alcoholism, at the time.

13 Q. So, on April of 2012, or July 2012, during  
14 that period of time, you weren't welcome at your parents'  
15 house?

16 A. We had a pretty strained relationship at that  
17 point.

18 Q. Okay. This incident took place approximately  
19 two years after the May 18th, 2010 incident, right?

20 A. Correct.

21 Q. With Draper police, correct?

22 A. Un-huh, yes, sir.

23 Q. And here you have a Draper police officer,  
24 right?

25 A. Yes, sir.

1 Q. Mr. Chatwin, I'm going to hand you what we're  
2 going to mark as Exhibit Number 17.

3 (Exhibit No. 17 was marked for identification.)

4 BY MR. HAMILTON:

5 Q. Mr. Chatwin, I've handed you what we've  
6 marked as Exhibit Number 17. It's a Draper Police  
7 Department Officer Report, do you see that?

8 A. Yes, sir.

9 Q. It's dated February 23rd, 2013, do you see  
10 that?

11 A. Yes, sir.

12 Q. And there is a narrative, and Officer Crane  
13 there lists or states that 'I responded to the area of  
14 11400 South Street -- State Street, for a welfare check.  
15 The call came in from Gold Cross Ambulance crew who said  
16 there was a male walking south on State Street.' Do you  
17 see that?

18 A. Yes, sir.

19 Q. It says, 'they said that he appeared to be  
20 intoxicated and they were concerned because he was not  
21 wearing a coat. They described him as a 30-year white  
22 male wearing a black hooded sweatshirt and a white  
23 backpack.' Do you see that?

24 A. Yes, sir.

25 Q. Okay. Continuing on, it says, 'I located the

1 individual at approximately 11900 South State Street. I  
2 identified the individual as Joshua Chatwin using his  
3 Utah driver's license. Joshua had slipped on the snow  
4 and passerby had stopped to help him.'

5 Do you recall that, you had slipped on the snow on  
6 this day in question?

7 A. Yes, sir.

8 Q. And do you recall that you had fallen down?

9 A. Yes, sir.

10 Q. And that a passerby stopped and helped you?

11 A. Yes, sir.

12 Q. And again, on this date in question, you were  
13 intoxicated, correct?

14 A. Yes, sir.

15 Q. We previously established that when you have  
16 become intoxicated, that you have difficulty with  
17 respecting your ability to walk?

18 A. Correct.

19 Q. And you have difficulty with your balance?

20 A. Yes, sir.

21 Q. And this is another incident which shows that  
22 you had difficulty on this occasion of walking down the  
23 sidewalk, true?

24 A. Yes, sir.

25 Q. And you had actually fallen down. There was

1 a passerby that helped you, the police officer shows up,  
2 correct? Do you remember that?

3 A. There's parts of this that I remember and  
4 parts that I don't. I don't remember them calling the  
5 police officer.

6 Q. You don't recall a police officer showing up  
7 that day?

8 A. I recall paramedics stopping, talking to me.  
9 And then I remember getting home with an officer, but  
10 that's about the limit of my recollection on this  
11 occasion.

12 Q. Okay. And that was because you were  
13 intoxicated?

14 A. Yes, sir.

15 Q. And we've already previously established that  
16 when you would drink, that there are times you don't  
17 recall certain things because of your drinking, correct?

18 A. Yes, sir.

19 Q. The narrative continues and says, 'I could  
20 smell odor of an alcoholic beverage on his breath. I  
21 asked if he had been drinking, and he answered 'yes'. I  
22 asked how much, and he said a lot.' Do you recall that  
23 interaction with the officer?

24 A. No, sir.

25 Q. It continues on and says that 'Josh said he



1 was walking from South Town mall area and was going to  
2 his home at 12534 South 150 East.' Do you see that?

3 A. Yes, sir.

4 Q. 'He said he felt he could make it. In  
5 Joshua's condition I did not feel comfortable letting him  
6 walk the remainder of his way home, especially with the  
7 weather conditions. It was a heavy snow coming down and  
8 the roads were slippery. I provided a courtesy shuttle  
9 to his home. Joshua did not want his parents to know he  
10 was intoxicated, because they would be mad. I explained  
11 I needed to release him to a sober, responsible adult.  
12 He agreed.'

13 Do you see that?

14 A. Yes, sir.

15 Q. So you recall getting the ride from the  
16 officer?

17 A. Correct.

18 Q. Do you recall actually being released in to  
19 your parents' custody?

20 A. Yeah, very vaguely.

21 Q. Do you recall having the discussion with the  
22 officer about the fact that you didn't want your parents  
23 to know?

24 A. No, sir.

25 Q. Okay. And at this time we previously talked

1 about an incident where you had stated that you were not  
2 welcome at the home, and that was in 2012. In 2013 were  
3 you welcome in the home?

4 A. Like I said, it was a pretty strained  
5 relationship.

6 Q. Well, that's where you were living though; is  
7 that correct?

8 A. At that point in time, I'm not sure if I was  
9 staying there or if I was at a shelter, or exactly where  
10 I was calling home.

11 Q. You told the officer that you were going to  
12 your home, and you gave him the address of your parents'  
13 residence, correct?

14 A. Yes, sir.

15 Q. So, isn't it practical to think that, or  
16 logical to think that that's where you were living at the  
17 time?

18 A. Not necessarily.

19 Q. You were calling it your home?

20 A. Sure.

21 Q. True?

22 A. Yes, definitely.

23 Q. Do you recall your interaction with your  
24 mother when she took custody of you that day?

25 A. Not really, no.

1 Q. Okay. And prior to that, you can recall  
2 three other separate occasions where you went and did  
3 this?

4 A. Yes, sir.

5 Q. Okay. And the last time you can recall doing  
6 that was approximately two years ago?

7 A. Yes, sir.

8 Q. I'll hand you what we'll mark as Exhibit  
9 Number 19.

10 (Exhibit No. 19 was marked for identification.)

11 BY MR. HAMILTON:

12 Q. Exhibit Number 19 is another Draper Police  
13 Department Crime Report. If you look at it, it's dated  
14 January 11, 2014, do you see that?

15 A. Yes, sir.

16 Q. If you look down to the narrative it talks  
17 about how on January 11, 2014, the officer was dispatched  
18 to 'an intoxicated male who had fallen down the stairs at  
19 the Cinemark Movie Theatre'. Do you recall that  
20 incident?

21 A. Yes, sir.

22 Q. Do you recall going to the movie and being so  
23 drunk that you fell down the stairs?

24 A. Yes, sir.

25 Q. Again, this is another occasion where you

1       were so intoxicated that you had trouble with your  
2       balance?

3             A.       Yes, sir.

4             Q.       And this is an incident that involved Draper  
5       police, correct?

6             A.       Yes, sir.

7             Q.       And in this incident, you actually fell down  
8       stairs and injured yourself, true?

9             A.       Correct.

10            Q.       And earlier I talked to you about why you  
11       ended up going for alcohol treatment at Renaissance, do  
12       you remember that?

13            A.       Yes, sir.

14            Q.       And that treatment started the end of  
15       January, correct?

16            A.       Yes, sir.

17            Q.       Isn't it true that this incident was what  
18       provoked you to go into treatment?

19            MS. MARCY: Objection, vague and ambiguous.

20            MR. HAMILTON: Again, this incident happened in the  
21       middle of January, 2014. The end of January 2014, you  
22       checked yourself into rehab, true?

23            A.       Yes, sir.

24            Q.       And in this incident you were so drunk you  
25       were falling down stairs at the movie theatre?

1 A. Yes, sir.

2 Q. Injuring yourself?

3 A. Yes, sir.

4 Q. Correct? And you were cited for public  
5 intoxication, true?

6 A. Yes, sir.

7 Q. And again, you had talked to me about the  
8 fact that you considered the UVA just a place like a  
9 shelter where you could go?

10 A. The VOA, yes.

11 Q. The VOA. Here it says that 'Joshua's cited  
12 for public intoxication and released to Utah Volunteers  
13 of America'?

14 A. Yes.

15 Q. Who is the Utah Volunteers of America?

16 A. That's the acronym, VOA is for Volunteers of  
17 America.

18 Q. Okay. So, they actually came and picked you  
19 up here from the police, true?

20 A. Yes, sir.

21 Q. Is that because, again, you were not welcome  
22 at your parents' home at that time?

23 A. Yes.

24 Q. And so, the VOA, it's more than just a  
25 shelter, it's a place where you receive treatment for

1 publically intox -- you're still intoxicated, true?

2 A. Yes, sir.

3 Q. And the police are called again, correct?

4 A. Yes, sir.

5 Q. And here Officer Larson says, in his  
6 narrative, 'On Tuesday 5/26/2015, intoxicated male  
7 walking from the Draper City offices at 1020 East Pioneer  
8 Road to the Trax station at 1131 East Pioneer Road.  
9 Intoxicated male was identified as Officer Boyle's  
10 arrestee.'

11 So Officer Boyle was the one that previously  
12 arrested you and cited you, correct?

13 A. Yes, sir.

14 Q. 'Joshua Chatwin. Joshua was reportedly  
15 belligerent and uncooperative with his family.' Do you  
16 remember earlier in this deposition we talked about this  
17 incident that happened back in May, and you said that you  
18 couldn't recall being belligerent to your family?

19 A. I do not recall that. When were we talking  
20 about that?

21 Q. We're talking about May of 2015.

22 A. This incident?

23 Q. Six months ago, yes.

24 A. And I said I did not recall being belligerent  
25 with my family?

1 Q. Right.

2 A. I'm not sure.

3 Q. It's true you were belligerent with your  
4 family, correct?

5 A. I don't think so. I don't know what -- where  
6 you're getting that information, but my father -- I was  
7 -- wanted to get into the VOA. We called, there was no  
8 beds available. I didn't want to stay at his house, so I  
9 had him drive me to the Trax, where I would go down to  
10 the shelter. Apparently there was an agreement between  
11 my father and Officer Boyle, that if I were to leave my  
12 father's custody, my father could get in trouble. So  
13 when I got out of the car and approached the Trax, my  
14 father notified the Draper City police that I had left  
15 his custody. And that's when the officers responded  
16 here.

17 So, belligerent with my family, I don't know that I  
18 ever --

19 Q. How do you have the understanding that there  
20 was this agreement between Officer Boyle and your father?

21 A. My father told me later on.

22 Q. When did he tell you?

23 A. The day after.

24 Q. What did he tell you?

25 A. That's what he told me, that he had an

1 agreement with the officer that if he -- that I would be  
2 in his custody, and that if I were to leave my father's  
3 custody, that he may be responsible. And so that's why  
4 my father called the police when I -- when he dropped me  
5 off at the Trax station.

6 Q. So your testimony is that your father didn't  
7 tell you that until the day after?

8 A. Correct.

9 Q. So your father dropped you off and  
10 immediately called the police and said, 'I've dropped off  
11 my son, you should go arrest him because I don't want to  
12 get in trouble'?

13 A. That's my understanding of the situation,  
14 yes.

15 Q. Okay. And you said that you wanted to go to  
16 the VOA?

17 A. Correct.

18 Q. So are you still being treated by the VOA?

19 A. No, sir. It's not -- it's an at-will  
20 facility, but they have a limited number of beds and  
21 there's people who are trying to get in all the time. So  
22 they aren't always able to accept you.

23 Q. When you left the Renaissance treatment  
24 facility back in January, or back in March of 2014, you  
25 were supposed to seek follow-up counseling and



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